

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GEO. M. MARTIN COMPANY, a California
corporation, and THE MARTIN FAMILY
TRUST – 1989,

No. C 07-00692 WHA

Plaintiffs,

v.

ALLIANCE MACHINE SYSTEMS
INTERNATIONAL, LLC, a Wyoming
corporation,

**ORDER RE DEPOSITION
OF GEORGE MARTIN
AND ORDER VACATING
HEARING**

Defendant.

This order resolves the discovery dispute in the letters dated August 4 and 6, 2008. There is no need for a hearing. Plaintiffs' proposal to shield George M. Martin, a key witness, from discovery is unfair. Defense counsel may depose him for three hours. Plaintiffs' counsel may then depose him for up to three hours and then the defense may have one hour thereafter. This can be spread over two days. If it turns out that Mr. Martin is incompetent and the Court so agrees after reading or viewing the testimony, then possibly limits will be placed on the use of the testimony. The notion, however, that Mr. Martin should be shielded in the way proposed simply because he may be frail is unfair.

IT IS SO ORDERED.

Dated: August 6, 2008.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE